

030904

21861  
U.S. PTO

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UTILITY  
PATENT APPLICATION  
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

PTO/SB/05 (01-04)  
Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office. U.S. DEPARTMENT OF COMMERCE10/797371  
10/797371  
10/797371

030904

Attorney Docket No.	30448.77USD1
First Inventor	Adam J. Katz
Title	ADIPOSE-DERIVED STEM CELLS AND LATTICE
Express Mail Label No.	ER 507527197 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
- Applicant claims small entity status.  
See 37 CFR 1.27.
- Specification [Total Pages 30]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- Drawing(s) (35 U.S.C. 113) [Total Sheets \_\_\_\_\_]
- Oath or Declaration [Total Sheets 7]
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
    - i.  DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:  
Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a.  Computer Readable Form (CRF)
  - b.  Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  Paper
  - c.  Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(b) Statement  Power of (when there is an assignee)  Attorney
11.  English Translation Document (if applicable)
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15.  Certified Copy of Priority Document(s) (if foreign priority is claimed)
16.  Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: Specification II 69 pages

Utility Patent Transmittal Sheets and Fee Transmittal Sheet for FY 2004

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: 09/936,665Prior application information: Examiner Irem Yucel, Ph.D. Art Unit: 1636  
For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

 Customer Number: 26,941 OR  Correspondence address below

Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

Name (Print/Type)	Sarah b. Adriano	Registration No. (Attorney/Agent)	34,470
Signature	Sarah b. Adriano	Date	3/9/04

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

<b>TOTAL AMOUNT OF PAYMENT</b>	<b>(\$)</b> 1341.00
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**Complete if Known**

Application Number	
Filing Date	March 9, 2004
First Named Inventor	Adam J. Katz
Examiner Name	Irem Yucel, Ph.D.
Art Unit	1636
Attorney Docket No.	30448.77USD1

**METHOD OF PAYMENT (check all that apply)**

Check  Credit card  Money Order  Other  None

Deposit Account:

Deposit Account Number	50-0306
Deposit Account Name	Mandel & Adriano

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEES CALCULATION****1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee		385.00	
1002 340	2002 170	Design filing fee			
1003 530	2003 265	Plant filing fee			
1004 770	2004 385	Reissue filing fee			
1005 160	2005 80	Provisional filing fee			
<b>SUBTOTAL (1)</b>		<b>(\$)</b>	<b>385.00</b>		

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	91	-20** =	71	x	9.00	=	639.00	Fee from below	Fee Paid
Independent Claims	7	- 3** =	4	x	43.00	=	172.00		
Multiple Dependent					145.00	=	145.00		

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2)</b>		<b>(\$)</b> 956.00

\*\*or number previously paid, if greater; For Reissues, see above

**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** **(\$)** 0.00**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Sarah B. Adriano	Registration No. (Attorney/Agent)	34,470	Telephone	(626) 395-7801
Signature	<i>Sarah B. Adriano</i>			Date	3/9/04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	
	CLASS	SUBCLASS	EXAMINER	ART UNIT
30448.77USD1	Unknown	Unknown	Irem Yucel, Ph.D.	1636

**CERTIFICATE UNDER 37 CFR 1.10:**

"Express Mail" mailing label number: ER 507527197 US  
 Date of Deposit: March 9, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 9, 2004.

By:   
 Name: Tracy Truick

**DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)**

Mail Stop PATENT APPLICATION  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450

Dear Sir:

This is a request for filing a divisional application under 37 CFR § 1.53(b) of Serial No. 09/936,665, filed on September 10, 2001 entitled ADIPOSE-DERIVED STEM CELLS AND LATTICES by the following inventor(s):

Full Name Of Inventor	Family Name Katz	First Given Name Adam	Second Given Name J.
Residence & Citizenship	City Charlottesville	State or Foreign Country Virginia	Country of Citizenship USA
Post Office Address	Post Office Address 503 Broadleaf Way	City Charlottesville	State & Zip Code/Country Virginia, 22911/ USA
Full Name Of Inventor	Family Name Llull	First Given Name Ramon	Second Given Name
Residence & Citizenship	City Mallorca, Balearic Isles	State or Foreign Country Spain	Country of Citizenship Spain
Post Office Address	Post Office Address Placa Hostels, 10-A Santa Maria	City Mallorca, Balearic Isles	State & Zip Code/Country 07320/ Spain
Full Name Of Inventor	Family Name Futrell	First Given Name J. William	Second Given Name
Residence & Citizenship	City Pittsburgh	State or Foreign Country Pennsylvania	Country of Citizenship USA
Post Office Address	Post Office Address 1 Sweetwater Lane	City Pittsburgh	State & Zip Code/Country Pennsylvania, 15238/ USA

11.  A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

12.  A petition and fee has been filed to extend the term in the prior application until \_\_\_\_\_. A copy of the petition for extension of time in the prior application is attached.

13.  The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:

14.  Also Enclosed: Utility Patent Transmittal Sheet (2 pages) and Fee Transmittal Sheet for FY 2004 (2 pages)

15.  Address all future communications to the **Attention of Sarah B. Adriano** (may only be completed by attorney or agent of record) at the address below.

16.  A return postcard is enclosed.

Respectfully submitted,

*Sarah B. Adriano*

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Sarah B. Adriano  
Reg. No. 34,470  
Attorney for Applicants  
Mandel & Adriano  
55 South Lake Avenue, Suite 710  
Pasadena, California 91101  
626/395-7801  
Customer No. 26,941

3.  The filing fee is calculated below:

CLAIMS AS FILED

NUMBER FILED	NUMBER EXTRA		RATE	FEE
<b>TOTAL CLAIMS:</b> 91	<b>-20</b>	<b>71</b>	<b>x</b>	<b>\$9.00</b>
<b>INDEPENDENT CLAIMS</b>				
7	-3	4	x	\$43.00
				<b>BASIC FILING FEE:</b> \$385.00
				<b>MULTIPLE DEPENDENT CLAIM FEE:</b> \$145.00
				<b>TOTAL FILING FEE:</b> \$1341.00

A Verified Statement that this filing is by a small entity is already filed in the prior application.

A Verified Statement that this filing is by a small entity is attached.

4.  Payment of fees:
 

- Attached is a check in the amount of \$1341.00.
- Please charge Deposit Account No. 50-0306.

5.  The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 50-0306.

6.  Amend the specification by replacing the first full paragraph with:

"This application is a divisional application of U.S. Serial No. 09/936,665 filed September 10, 2001, which is a 35 U.S.C. §371 of PCT Application No. PCT/US00/06232 filed March 10, 2000, which claims the priority of U.S. Serial No. 60/123,711 filed March 10, 1999 and U.S. Serial No. 60/162,462 filed October 29, 1999, the contents of all of which are incorporated by reference into the present application."

7.  A set of formal drawings (\_\_\_\_ sheets) is enclosed.

8.  Priority of application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_, is claimed under 35 U.S.C. 119.

The certified copy has been filed in prior application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

9.  The prior application is assigned of record to University of Pittsburgh of the Commonwealth System of Higher Education and The Regents of the University of California.

10.  The Power of Attorney in the prior application is to:

Mandel & Adriano  
55 South Lake Avenue, Suite 710  
Pasadena, California 91101

<b>Full Name Of Inventor</b>	<b>Family Name</b> Hedrick	<b>First Given Name</b> Marc	<b>Second Given Name</b> H.
<b>Residence &amp; Citizenship</b>	<b>City</b> Encinitas	<b>State or Foreign Country</b> California	<b>Country of Citizenship</b> USA
<b>Post Office Address</b>	<b>Post Office Address</b> 2345 Jennifer Lane	<b>City</b> Encinitas	<b>State &amp; Zip Code/Country</b> California, 92024/USA

<b>Full Name Of Inventor</b>	<b>Family Name</b> Benhaim	<b>First Given Name</b> Prosper	<b>Second Given Name</b>
<b>Residence &amp; Citizenship</b>	<b>City</b> Encino	<b>State or Foreign Country</b> California	<b>Country of Citizenship</b> USA
<b>Post Office Address</b>	<b>Post Office Address</b> 17018 Hartsook Street	<b>City</b> Encino	<b>State &amp; Zip Code/Country</b> California, 91316/USA
<b>Full Name Of Inventor</b>	<b>Family Name</b> Lorenz	<b>First Given Name</b> Hermann	<b>Second Given Name</b> Peter
<b>Residence &amp; Citizenship</b>	<b>City</b> Belmont	<b>State or Foreign Country</b> California	<b>Country of Citizenship</b> US
<b>Post Office Address</b>	<b>Post Office Address</b> 2634 Belmont Canyon Road	<b>City</b> Belmont	<b>State &amp; Zip Code/Country</b> California 94002/USA
<b>Full Name Of Inventor</b>	<b>Family Name</b> Zhu	<b>First Given Name</b> Min	<b>Second Given Name</b>
<b>Residence &amp; Citizenship</b>	<b>City</b> San Diego	<b>State or Foreign Country</b> California	<b>Country of Citizenship</b> China
<b>Post Office Address</b>	<b>Post Office Address</b> 15054 Avenida Montuosa, Apt. E	<b>City</b> San Diego	<b>State &amp; Zip Code/Country</b> California, 92129/USA

- Enclosed is a true and correct copy of the prior application; including the specification I and II, claims, drawings, oath or declaration showing the applicant's signature, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The copy of the prior application is as follows: **Specification I:** 23 pages of specification, 6 pages of 79 claims, and 1 page of abstract; **Specification II:** Published International Application No. WO00/53795(31 pgs), Copy of the Amended Claims Filed in response to the Written Opinion. (4 pgs.), An Oath or Declaration of the Inventors (7 pgs.), Copy of the International Search Report (8 pgs.), A Preliminary Amendment (2 pgs.), PCT Written Opinion dated April 19, 2001. (7 pgs) and Response to Written Opinion dated May 18, 2001. (10 pgs).
- Cancel in this application original claims **2, 14-35, 66-72, 75, 76, 80-131** of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)